

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ERIC JERVON MCGEE,  
TDCJ #02167666,**

**Plaintiff,**

**v.**

**WARDEN F/N/U HAYWARD, ET AL.,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**SA-24-CV-00035-XR**

**ORDER**

Before the Court is a document filed by *pro se* Plaintiff Eric Jervon McGee, which the Court construes as a motion for reconsideration pursuant to Rule 60(b) of the Federal Rules Civil Procedure. (ECF No. 14); *see* FED. R. CIV. P. 60(b). In the document, McGee seeks relief from the Court's February 21, 2024 Order of Dismissal and Final Judgment. (ECF Nos. 10, 11). Upon consideration, the Court orders McGee's motion **DENIED**. (ECF No. 14).

McGee filed a Complaint pursuant to 42 U.S.C. § 1983.<sup>1</sup> (ECF No. 1). McGee claimed, among other things, that inmates were putting substances in his commissary, throwing scorpions or spiders on him, or injecting him with chemicals or venom—at the behest of the Warden. (*Id.*). Upon review, the Court dismissed McGee's claims because they asserted fantastic or delusional scenarios. (ECF Nos. 10, 11); *see Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009).

McGee has now filed what appears to be a motion pursuant to Rule 60(b) challenging the dismissal and judgment based thereon. (ECF No. 14). Although less than clear, McGee appears to

---

<sup>1</sup> The Complaint was originally filed in the Southern District of Texas, Houston Division. (ECF No. 1). It was then transferred to this Court because McGee's claims arose in the Dominguez Unit, which is located in Bexar County, which is within this Court's jurisdiction. (ECF Nos. 4, 5).

take issue with the Court's dismissal; however, he fails to address the substantive basis for dismissal and, in fact, seemingly reasserts his various delusional claims. (*Id.*). Thus, the Court finds the motion should be denied as McGee has established no basis for relief. (*Id.*). To the extent McGee seeks additional relief in the motion, such relief is also denied.

**IT IS THEREFORE ORDERED** that McGee's motion for reconsideration pursuant to Rule 60(b) of the Federal Rules Civil Procedure (ECF No. 14) is **DENIED**. *See* FED. R. CIV. P. 60(b). To the extent he seeks additional relief in his motion, the Court also orders such relief **DENIED**.

It is so **ORDERED**.

**SIGNED** this 24th day of February, 2025.



---

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE